

REMARKS

In response to the Examiner's Election/Restriction Requirement, the Applicants hereby elect the claims of Group I for examination, that is, claims 1-15. As indicated above, claim 16 has been withdrawn from the present application.

The requirement for restriction as set forth in the Office Action is respectfully traversed. The Applicants consider the invention to be defined by claims 1-16.

Section 121 of the Patent Statute allows a restriction requirement in the event that two independent and distinct inventions are claimed in a single patent application. It is not seen how the two claimed groups set forth by the Examiner are independent. There is clearly a disclosed relationship between the two inventions, that is, an antenna and a process for fabricating the antenna. Thus, the inventions are dependent.

As to the distinctiveness between the two inventions, the Examiner sets forth two tests, i.e., that the claimed process can be practiced by another materially different apparatus or by hand, or the claimed apparatus can be used to practice another and materially different process. The Examiner's comment regarding the method claim, specifically, "the method for forming an antenna can be practiced with other means than the claimed product" is not understood. Clearly, practicing the claimed method produces an antenna having one or more of the properties and/or elements set forth in the apparatus claims. It is not clear how the method claim can be practiced by another materially different apparatus since practicing the method claim yields one embodiment of an apparatus of the invention.

Also, distinctiveness cannot be based on different fields of search as the Examiner has indicated. The assignment of classes and sub-classes is merely an administrative tool employed by the Patent and Trademark Office to classify patent applications and facilitate the searching of prior art. There is nothing in the Statute that refers to administrative convenience as a basis for a restriction requirement. The search required by Section 131 must be conducted to identify all relevant art, no matter where and how that art is classified.

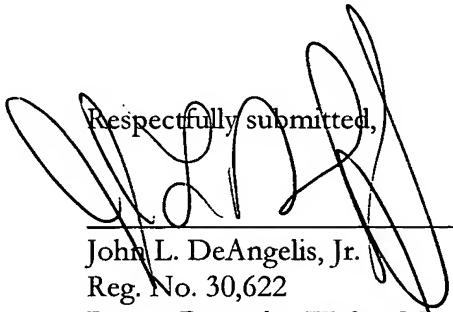
In any case, to be responsive to the Examiner's restriction requirement and to move the case along to examination and issue, the Applicants have elected Group I as set forth

above. The Applicants reserve the right to file a divisional application or take other action as appropriate to protect the invention set forth in the withdrawn claim.

It is respectfully requested, however, that the restriction requirement be withdrawn and that a complete examination of the application in compliance with Section 131 be performed.

If a telephone conference will assist in clarifying or expediting this Amendment or the claim changes made herein, the Examiner is invited to contact the undersigned at the telephone number below.

Respectfully submitted,



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CERTIFICATE OF MAILING

I HEREBY CERTIFY that this Response to Election/Restriction Requirement is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 29 day of April, 2005.



Pamela A. Pagel